

**Introduced by Senator Hollingsworth**

February 22, 2005

---

An act to amend Section 51240 of the Education Code, relating to instruction.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1043, as introduced, Hollingsworth. Schools: health and family life instruction.

Existing law requires the adopted course of study to provide instruction at the appropriate elementary and secondary grade levels in various subjects, including health. Existing law provides that if any part of the instruction in health conflicts with the religious training and beliefs of a parent or guardian of a pupil, the pupil, upon the written request of the parent or guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs, as defined.

This bill would provide that if any part of the instruction in health education or family life education conflicts with the religious training and beliefs of a pupil, or the parent or guardian of a pupil, the pupil, upon the written request of the parent or guardian, shall be excused from the part of the instruction that conflicts with the religious training and beliefs. Because a school district would be required to administer these exemptions filed by parents and guardians, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 51240 of the Education Code is  
2 amended to read:

3 51240. (a) If any part of ~~a school's~~ *the* instruction in health  
4 *education or family life education* conflicts with the religious  
5 training and beliefs of a *pupil, or* parent or guardian of a pupil,  
6 the pupil, upon written request of the parent or guardian, shall be  
7 excused from the part of the instruction that conflicts with the  
8 religious training and beliefs.

9 (b) For purposes of this section, "religious training and  
10 beliefs" includes personal moral convictions.

11 SEC. 2. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.